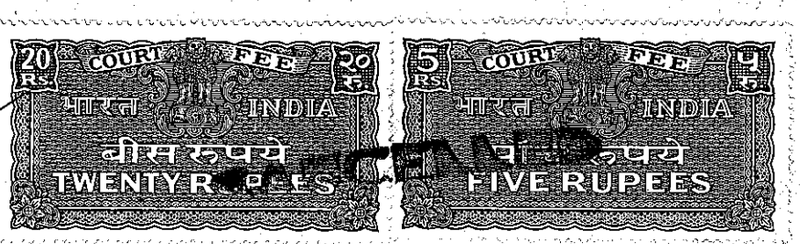

(3)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

Writ Petition No. 2476 /96

PETITIONER : Shivkumar Tripathi,
S/o Late MathaPrasad Tripath
aged about 34 years,
Occupation: Advocacy,
R/o Baikuntpur, Raigarh
Tahsil & District Raigarh

VERSUS

RESPONDENTS :

1. State of Madhya Pradesh
through Chief Secretary,
State Labout Department,
Vallabh Bhawan,
Bhopal

2. The Chairman/President of
Industrial Court,
Indore

Impleadment made by Honourable court's order dated 15.3.2001. @ pathi petitioner 15.3.2001

3. State of Chhattisgarh Through Chief secretary, Raipur (C.G.)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(65)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2476/96 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2.8.2001 : **Petitioner in person.** **Mr. Ranbir Singh for the Respondents.** **Heard.** **The case of the writ petitioner is that though he was selected in an interview for appointment as Presiding Officer, Labour Court some-time in the year 1995 ~~but~~ he was not given appointment on the ground that there was no vacancy readily available at that time. The contention of the writ petitioner is that when the return was filed on 6.2.98 it was contended by the respondents that there was no post / vacancy available at that time and therefore, it was not possible for the respondents to accommodate the writ petitioner. It is also pointed-out that an advertisement was issued on 17.9.98 for filling-up two posts of Presiding Officer of Labour Court. Therefore, it is contended that in fact clear vacancy was available at least in the year 1998. It is, therefore, contended that despite the availability of clear vacant posts of Presiding Officer of Labour Court the petitioner was not given appointment.** **On perusal of the various documents placed on**	

...2

[पान देखिये

आदेश का दिनांक आदेश क्रमांक सहित	-2- आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

record and after hearing counsel for the parties,it seems clear to me that otherwise there is no infirmity in giving ~~the~~ appointment to the writ petitioner as the Presiding Officer of the Labour Court. On the last occasion i.e. 2-7-2001 I had directed that the additional return be filed by the respondents by 17.7.2001. They have done so. It has been stated that as on this date,vacancy of the posts of Presiding Officer,Labour is available. In stead of entering into the various circumstances leading to the ~~pr~~ institution of this writ petition before this Court I am of the view that it would be fair and equitable that this court now issues a direction to the competent authority to issue the order of appointment in favour of the writ petitioner. It must be borne in mind that the matter is relatable to an interview held ~~de~~ about six years ago i.e. in the year 1995. Therefore, appointment order should be issued without further delay.

In the result,this petition is disposed of with a direction that the respondents (competent authority concerned) shall issue the order of appointment in respect of the writ petitioner as Presiding Officer,LabourCourt as early as possible and at any rate not later than two months from today.

C.C.

Sd/-
Chief Justice

1+2 J

GRPRJ—FS/311—1/2001—50,000.